

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-3 have been amended to correct grammatical and spelling errors. No new matter has been introduced by these amendments. Claims 1-26 and 28 are pending and at issue.

In the March 31st Office Action, claims 1-26 and 28 were rejected as anticipated or obvious over U.S. Patent No. 5,167,889 (“Alvarez”). The quotations cited by the Examiner, however, are actually from U.S. Patent No. 5,167,899 (“Jezic”). We, therefore, have traversed these rejections as though they were based on Jezic rather than Alvarez.

Anticipation Rejections

Claims 1-26 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Jezic.

Jezic describes a melt blowing process for producing an extrudable polyurethane from an organic polyisocyanate, an isocyanate-reactive material, and at least one chain extender.

The presently claimed invention is a polyethylene terephthalate (PET)-containing polymer formed by polymerizing a mixture comprising terephthalic acid or an ester equivalent thereof, a glycol, an aliphatic dicarboxylic acid or an ester equivalent thereof, and a hydroxy terminated polyether polyol or an aliphatic or alicyclic diol (see claim 1). Claims 2 and 3 are directed to methods for making the polymer.

Jezic does not describe a PET-containing polymer or a method of making a polymer using a terephthalic acid or an ester equivalent thereof. Rather, Jezic describes producing a polymer from an organic polyisocyanate, an isocyanate-reactive material, and at least one chain extender. As noted by the Examiner, each of these chemical components are exemplified in Jezic. However, none

of the described species is similar to the claimed terephthalic acid (i.e., benzene-1,4-dicarboxylic acid, para-phthalic acid, TPA, PTA), or its ester equivalent. The closest species mentioned anywhere in Jezic is an aliphatic dicarboxylic acid. However, not only are *aliphatic* dicarboxylic acids distinct from *benzene*-1,4-dicarboxylic acid (acyclic vs. cyclic), Jezic's aliphatic dicarboxylic acids are used merely as starting materials for synthesizing ester diol chain extenders, as stated at col. 5, ln. 2-11:

The extenders, which can be used alone or in admixture with each other or any of the above diols, also include...ester diols obtained by esterifying... aliphatic dicarboxylic acids with aliphatic diols...

Further, Jezic does not describe making a PET-containing polymer, but rather describes making a polyurethane.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

Obviousness Rejections

Claims 1-26 and 28 have been rejected under 35 U.S.C. §103(a) as being obvious over Jezic.

As mentioned above, Jezic teaches a different polymeric product and starting materials from that of the presently claimed invention. Further, there are no teachings in Jezic that would suggest modifying its starting materials to arrive at the presently claimed PET-containing polymer.

For the foregoing reasons, withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance.

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